

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 20, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Joan Ross, Deputy City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

MCROY Having been appointed to read the minutes of the City Council proceedings of Nov. 13, 2000, reported having done so, found same correct.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy. Seng, Shoecraft; NAYS: None.

MAYOR'S AWARD OF EXCELLENCE

Mayor Wesley: Mr. Chairman, members of the City Council. It's a pleasure to join you again to discuss this months, actually October's Award of Excellence winners. Linda Flaherty and Charlene Whisbey and would they come forward. Linda and Charlene are both emergency service dispatchers for the 911 Center? They were nominated by a co-worker the Mayor's Award of Excellence in the categories of safety and valor as a result of a call they received on the 18th of July. At approximately 10:15 p.m. Linda answered a phone call from the clerk at Kabredlo's Convenience Store. The first words from the clerks mouth was there's a man here holding a gun to my head threatening to blow my head off. That's pretty scary. Within 30 seconds the call was forwarded to Charlene for Police dispatch. The taped phone conversation outlines the events of the next few minutes as follows. The man with the gun continues to verbally threaten the clerk and demands he put the phone down. Linda tells the clerk to do as he says. The clerk lays the phone down as Linda continues to monitor the call keeping Charlene appraised of the situation. The man with the gun continues to yell and threaten the clerk demanding cigarettes. The clerk hands the man a carton of cigarettes. The man abruptly leaves the store. During the man's absent the clerk picks up the phone long enough to give a description of the man with the gun. Charlene relays this information to the Police units responding to the call. Shortly thereafter the man with the gun re-enters the store threatening the clerk and causing the clerk to again lay the phone on the counter. A Police cruiser arrives and the man with the gun exits the store. Charlene continues to talk to the clerk until a Police Officer can enter the store. Because of the exemplary teamwork of these two dispatchers Lincoln Police Officers were able to take the man with the gun into custody within 3 minutes of the original call without anyone getting hurt. So please join me in congratulating Linda and Charlene for their excellent work. (applause) Now, I'm told the clerk from Kabredlo's was invited, is Shawn here? I tell you if he was here I'd think he'd be happier than any of us. about the great work that you did in saving his life and taking care of that situation. Is there anybody else that wishes to say anything on their behalf? Well, I tell you the City of Lincoln is sure proud of what you did and I'd like to congratulate you. Do you want to say anything?

Charlene Whisbey: No. Yup, you told what we did.

Mayor Wesley: Anyway congratulations again. Thank you from City Council and myself and all of us in the City for excellent contribution.

This matter was taken under advisement.

PUBLIC HEARING

MANAGER APPLICATION OF YVONNE C. JONES FOR WHITEHEAD OIL COMPANY DBA "U-STOP CONVENIENCE SHOP" AT 3244 CORNHUSKER HIGHWAY - Yvonne Jones, 5800 Colby St., took oath & came forward to answer any questions.

This matter was taken under advisement.

CHANGE OF ZONE 3287 - APPLICATION OF LINCOLN LAND & MORTGAGE COMPANY FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO R-1 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 73RD STREET AND THOMASBROOK LANE - J.D. Burt, Lincoln Land and Mortgage: Here on behalf of Lincoln Land and Mortgage. This application for change of zone is nothing more than to realign a zoning line to a proposed property line to let the existing home have a little extra yard on the east side of their home. I'd be happy to answer

any questions.

This matter was taken under advisement.

VACATING A PORTION OF SOUTH 16TH STREET IN NEAR VAVRINA BOULEVARD LOCATED IN VAVRINA MEADOWS - Rick Krueger, President of Krueger Development: I'm here to answer any questions and ask that you suspend the rules and vote on this today if possible.

Jerry Shoecraft, Council Member: Just number 5?

Mr. Krueger: Yeah, just number 5.

Mr. Shoecraft: I don't think there's anything related to it. We'll just wait and see if there's anything anybody out there before Council makes a decision.

Coleen Seng: Planning Staff. This is what I asked this morning. What we have in force that's what Staff recommended?

Ray Hill, Planning Dept.: Our recommendation is that just the bulb part of the street be vacated and I'm not sure whether that's the way the ordinance is drafted or not, but that was the recommendation is that the street would still continue through as a full width street, but we just vacated the little bulbs part of it.

Ms. Seng: Who can answer that? That's what asked about this morning in Directors.

Mr. Shoecraft: Maybe you can look at the legislation side then come back to address us.

Mr. Hill: Let me talk with Dana and see what's in this. I'm not sure about it.

Jeff Fortenberry: Ray, explain the Planning Commission's deletion of the traffic calming device.

Mr. Hill: Well, right now the plat was approved with the circle. At this particular location we have a preliminary plat that basically relocates it to the south at another intersection.

Mr. Fortenberry: This is just semantics?

Mr. Hill: Yes. It's just basically moving the calming circle from one location to another location.

Jonathan Cook: It was my understanding that, that, that deleted item just removed the requirement that a new location be approved ahead of this vacation. If we're expecting an alternative location for a traffic calming device that item would have required that that alternate location be approved before we approve this vacation that was deleted so we can go ahead with this vacation. Later on we'll get an approval for ...

Mr. Hill: There was a preliminary plat in the process that shows the, this calming device or circle to move it south to another intersection.

Mr. Shoecraft: We'll come back to it when we get an answer to Coleen's question.

This matter was taken under advisement.

VACATING A PORTION OF PINE LAKE ROAD FROM THE WEST LINE OF LAZY ACRES SUBDIVISION WEST TO THE RAILROAD RIGHT-OF-WAY, GENERALLY LOCATED WEST OF SOUTH 14TH STREET AND PINE LAKE ROAD;

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 45 ACRES OF PROPERTY GENERALLY LOCATED AT S. 14TH ST. & MOCKINGBIRD LANE NORTH;

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF WILDERNESS PARK ESTATES INCLUDING WAIVERS FOR CURB & GUTTERS, SIDEWALKS, STORMWATER DETENTION, AND STREET TREES, ON PROPERTY GENERALLY LOCATED WEST OF SOUTH 14TH STREET AND MOCKINGBIRD LANE;

SPECIAL PERMIT 1832 - APPLICATION OF GEORGE AND KATHY MECHLING TO DEVELOP WILDERNESS PARK ESTATES COMMUNITY UNIT PLAN CONSISTING OF 19 DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT SOUTH 14TH STREET AND MOCKINGBIRD LANE - Tom Cajka, Ross Engineering: Here on behalf of the developer. I'm here to answer any questions you might have. The preliminary plat and C.U.P. was approved by Planning Commission on May 3rd and one of the requirements before it could go to City Council was to vacate Pine Lake Road, or a portion of Pine Lake Road which has been approved by Planning Commission on November 1st. I'm here if you have any additional questions.

Mike Rierden, 645 M St., Suite 200: Appearing on behalf of several owners of lots in the Lazy Acres Addition which is to the east of this particular proposal. I visited with these property owners Friday and they asked me to come forward and express their concerns, not necessarily in opposition. They accept the fact that this probably will happen as far as the annexation and the other issues involved here. But, they wanted me to put on the record or state on the record that they will be coming forward. They're very concerned about the lack of paving and with the increase in traffic appears to them there's going to be a traffic dust type of problem

out there so they're going to be coming forward with a request for or an application for a improvement district for the paving on the road and perhaps for the sewer and the water with that. I know these issues aren't in front of you today, but they just wanted me to come forward and express their views to you.

Mr. Cook: So there would just be a paving district for Mockingbird Lane as it leads into the new subdivision Lazy M Acres. Would the other one be included, the loop?

Mr. Reirden: The loop road?

Mr. Cook: Yeah.

Mr. Reirden: I think right now their intent is just the Mockingbird Lane.

Ms. Seng: Are you representing those property owners on Mockingbird? Is that what you said?

Mr. Reirden: I think with the exception of one I'm representing all of those that abut Mockingbird Lane.

Jeanette Stull, no address given: I represent Lincoln Public Schools and I would be here just in with regard to number on the petition to vacate. We are one of the abutting property owners wanting this portion of the Pine Lake Road right-of-way to be vacated because it's not actually being used as a road. Just to clear up title. We do have some issues with regard to payment on the property, but I don't understand that this probably is the forum to deal with that. Let me know if I'm mistaken there. Does anybody have any questions?

Mr. Fortenberry: We might actually have to settle on what the forum is for dealing with those issues because I know that's of some concern as well.

Ms. Stull: Yeah, we had been informed by the City Attorney's Office back in September that the City wouldn't be assigning any value to this small strip of land. But, I did get the report on Friday where the Appraiser had assigned a value. Is that something that I can just deal with Council after, after this is all done today, or should we have raised that?

Mr. Fortenberry: I would suggest you raise it.

Ms. Stull: Now? OK. Well basically that would take care of it. Back in September I had been told by Rick Peo at the City Attorney's Office that the City would not be assigning a value to this land since it's simply a statutory easement and the City's not claiming full title to the property. But, then on Friday I received the report from the Clerk saying that we would be responsible for half of the fair market value of the property which would be about 16 or 1700 dollars that we would have to pay. I've been in contact with Mr. Peo, but he because of some scheduling conflicts that he had he wasn't able to confirm everything and get that settled. He was of the understanding that he had told me that we wouldn't have to be paying for the property and he was going to try and get to the bottom of the whole thing later on.

Deputy Clerk: That's my understanding as well. There was some confusion and I did send a letter from the Clerk's Office, but I also did visit with Rick Peo a second time on Friday and he did state that he felt that probably there would not be a dollar amount, but he would work with you on that.

Ms. Stull: OK great. Thanks.

Louise Kiner, 1141 S. Mockingbird Lane: I own a home on South Mockingbird Lane. It's for sale and I've had a lot of interested buyers. I have one buyer I had the home sold to and I've owned the property for over 40 years and have lived there 20 years and it's a beautiful piece of property, beautiful home, and I had the house sold and she checked into this paving and annexation and said it would cost \$35,000 to do all this and I really could not, my home has been appraised at a certain amount of money and she wanted to cut back on the price of my home and I wasn't ready. I didn't have enough knowledge about what was going to happen out there or if you're just going to approve paving on the North Mockingbird Lane or go around the horseshoe and take all the property owners into that paving. And, I don't object to that. My husband and I, had we stayed there, would be very much in favor of it. And, that's what I want to know, are you going to take the whole Mockingbird division into that paving and the sewer? We have natural gas and electricity and a septic tank right now.

Mr. Shoecraft: Roger could you answer her specific question please?

Roger Figard: I might need some help from Planning.

Ms. Kiner: It makes it a little hard for me to sell my house.

Mr. Figard: I'm not sure I fully understood the question. If, I think I heard the gist was what other infrastructure improvements might be required east of this proposed plat in and along existing Mockingbird Lane

west, south, east, and north. Is that the question?

Ms. Kiner: It'll be south of the North Mockingbird Lane. It would be South Mockingbird Lane right on the horseshoe bend here. See this is north and then I live right down here. And, this is to the east subdivision in Wilderness Park Estate and we are down here. We each own approximately an acre.

Mr. Figard: Uh-huh. And, what's your question?

Ms. Kiner: If they're, they're planning on paving our road when they're going to paving this road and taking these properties, we would probably be annexed, but we want to know how much it's going to cost us down there.

Mr. Figard: Mike can you help with what actual conditions are being requested for the plat to the west and then I can help you with some of the rest of the how that would happen?

Mike DeKalb, Planning Dept.: The plat to the west is proposing to pave within it's boundaries. There is no proposal by anybody that I know of to create a paving district for the Lazy Acre Subdivision. But, I think the question's been asked if it were to be created what the general number might be.

Mr. Figard: OK. Does Council understand the question? Do you want me to put up a picture of the existing Mockingbird? In general round numbers if, in fact, we were going to be looking at water and sewer to the existing plats, the existing lots in and around Mockingbird you're talking in the neighborhood of \$7500 per lot each water and sewer. I'm not sure I have a clue yet on paving. We wouldn't be in a position recommending to Council that all of Mockingbird Lane west, south, or east necessarily be paved. I think you do create a situa..., we have a situation between the new plat and back over 14th Street on Mockingbird Lane. To the north you've got a gravel road now connecting from an arterial street into a subdivision. There will be dust at times. There will be mud at times. There may be increased pressure to pave that by those who drive through or those that live adjacent to it. Council would have the authority, I believe, to suggest to the development to the west that they pave and pay for the paving in Mockingbird Lane North. It could be done as part of an assessment district. The water main needs to come down Mockingbird Lane to the north to get to the new subdivision. Council, as a condition of this plat, and annexation could require the new developer to pay the full cost of that water main in Mockingbird Lane North or it could be done as an assessment district and then assessed against the abutting property. I think those are some of the options that you have in front of you to do that and I apologize for not having a number on the paving if we got into a paving district. I'm not sure that fully answered your question. We wouldn't ...

Ms. Kiner: I don't want to be unfair to my, the person who buys my home. I want them to be fully aware of what is coming.

Mr. Figard: OK, so ..

Ms. Kiner: My only comment because I'm 100% in favor of it, but I get a little objection from people asking about it.

Mr. Figard: If I understand the plat and the improvements that are in front of you is paving in the subdivision being annexed and platted, there would have to be water and sewer for those lots. Sewer can be built to the new subdivision without touching any of the Mockingbird area to the east, but the water main must come in front of Mockingbird North to get over and serve the new subdivision. So that water main has to be built and a decision would need to be made on how that would be financed.

Mr. Fortenberry: Roger, would it be fair to say that a paving district is unlikely so those associated costs on the loop road in all probability wouldn't come about, but sewer and water district assessments in all likelihood will in the near term. Would that be a fair assessment?

Mr. Figard: And, the sewer can be deferred until such time as the property along Mockingbird wanted it because the sewer comes in from the west. It comes through the new plat and then stops. The water has to come from the east, but I think that's a fair assessment, yes Jeff.

Jonathan Cook, Council Member: Let's see if I understood on the water line. The water line can either be paid for by the developer and serve only the new subdivision or it can be partly assessed against the property owners along the way and then they could hook up to it or ...no?

Mr. Figard: No, I don't think that's ... what I said was the water main to serve the new subdivision must be built in Mockingbird Lane North and that runs along the existing plat that's there today. That could be done one of two ways. The developer could pay the full cost. I think the existing property owners out there when annexed could connect to that water at no cost or it could be done as part of an assessment district and then assessed against the abutting properties.

Mr. Cook: How would that decision be made whether it goes against the developer entirely? If the developer is paying for it entirely the homeowners along the way get a benefit from that because they now have access to water and they could hook up to it at little cost why, I guess, why would we chose one over the other and when do we make that decision?

Mr. Figard: I think that's what you have to search your soul a little bit about in some of these areas where we've got the rural subdivisions out there is when these plats come in you're placing an urbanized concept in front of them and who should pay. You know, we, I think we had some of those issues that we're struggling with out in Mar-Ma-Ra-Lo Heights that very issue. Out there the developer agreed to pay for the water main that came into his subdivision so part of that rural subdivision now has water and won't have to pay for it.

Mr. Cook: In this case, though, have you had discussions with the developer, Lazy M Acres Subdivision?

Mr. Figard: I personally have not. If my staff has I'm not familiar with those so I don't want to be presumptuous to say that they're willing to do that or have made any concessions to do any of that, Jonathan.

Mr. Fortenberry: If Steve could come forward as well because he worked on the annexation issues on the other part of the Mockingbird Lane area and I think that, you ought to give an update as to where that is and how it relates to this particular project.

Steve Hendrichsen: In terms of the annexation that was something that was first proposed in October of '95 and City Council put on the Pending List last October of '99. Basically, that was waiting for the preliminary plat to come forward and now that you have a preliminary plat in front of you one of the issues of the annexation was about the sewer cost and the plat shows that a good portion of the sewer costs are being paid by the Wilderness Park Estates property owners because they're bringing the sewer line in from the west and it'll stop just short of Lazy Acres. In terms of the water, that's the question about the district for the preliminary plat area to be developed. The water has to come in from the opposite direction, comes in from 14th Street down Mockingbird Lane North. And, there will be a separate issue before you at some point in the future when that water district comes forward it'll be the question as to should the developer pay the entire cost of that and not approve the district, should the developer pay some portion of it or how that assessment is set up, but that question is not in front of you today. And, then the paving is not a requirement to the preliminary plat. Paving is not a requirement of the annexation either. So, that could be an item that could be several years off when you see how the residents if they're interested in having Mockingbird Lane North paved because they're seeing more people using to go into this new subdivision. Does that answer the questions you're looking at or ...?

Mr. Fortenberry: Yeah. I think it's, I don't know if Mrs. Kiner wanted to get in that broad of discussion, but I think the issue goes back to another several houses for sale there. So, to eliminate the uncertainty for a potential buyer what is likely to come forward in terms of cost assessment back to, in her particular question, the loop the part that property owners along the loop road to the south.

Mr. Henrichsen: At this point there aren't any sanitary sewer districts at all proposed. I don't believe there's any paving districts proposed and I do believe there's discussions underway for a water main district, but at this point only in Mockingbird Lane North. The residents of Lazy Acres may find that there may be some cost saving in doing the water for all of Mockingbird Lane North and Mockingbird Lane South at the same time, but in terms of just this plat the only one that is necessary is Mockingbird Lane North. Certainly anytime somebody has called us about this and I've received lots of calls over the last several years we try to explain that, but also explain a water or sewer district. If anyone of the residents in there suddenly had problems with their well or their septic it's hard for us to tell you, well it will be at least four or five years off, because if anybody's well or septic went bad they could come forward and request a district. So, we let them know that it could be one month after annexation or it could be numerous years.

George Mechling, North Carolina: I'm one of the developers here to answer any questions you might have.

Mr. Camp: George I have a quick question. What's the M in Lazy M Acres stand for?

Mr. Mechling: Mechling.

Mr. Fortenberry: Steve could you come back forward? It is unnecessary, I mean I understand you corrected, to have any type of discussion right now as to who is going to pay the cost of the water main

as it is extended to 14th Street to the east.

Mr. Henrichsen: That is correct. It could be an item, it could be an item left to the future. At this point if the preliminary plat gets approved they will not be able to final plat those lots until they've addressed how the water's going to get there. Posted a bond, got to have a water district approved, etc.

Tom Cajka, no address given: I just wanted to make a comment that we had met with the neighbors of Lazy Acres to the east before we went to Planning Commission and at Planning Commission they had voiced their support of the plat. And, I guess you're, I was just going to put this up and maybe make it a little clearer. I just wanted to point out that the sewer, the sanitary sewer where it comes from down here there's an easement that runs between Lots 5 & 6 along the street and then between Lots 9 & 10 another easement that brings it over to our east bound. We're bringing the sanitary sewer over to these boundaries between our development and Lazy Acres. The water does come from 14th Street down Mockingbird Lane, but we have requested a, probably have that paid by a district. Streets within Wilderness Park Subdivision are all paved streets.

Mr. Mechling: I did have one point that I wanted to make while here, there's been some confusion about the subdivisions. The subdivision to the east is called Lazy Acres and to the west as far as we've known that's always been referred to as Lazy M Acres. This was the distinction that my father made at the time that he got the east part platted with the County. My Mother receives her taxes as Lazy M Acres, however, there appears to be some sort of absence in the City or County records to that affect that this thing is called Lazy M Acres. And, I've submitted a letter from my Mother to Ms. Ross here for file to, you know, possibly correct that discrepancy because you never know where something like that might end up. It may be opening up some loop holes of sort that would lead to some mischievous on the part of, you know, whoever might see a way of taking advantage of it. Now, if you like I would read this letter, if you don't mind, and finish ...

Ms. Seng: We have it.

Mr. Mechling: OK, thank you very much.

Mr. Fortenberry: You did just hear the comment by the developer that they've proposed this water district?

Mr. Henrichsen: Yes, and again the water district will be an item that could come before you separately to address if you choose to handle it that way at some future date to decide should the developer, what portion should they pay if any of that district cost.

Mr. Fortenberry: It didn't necessarily imply an assessment district it's just they're applying for the district.

Mr. Henrichsen: And that's, perhaps Roger can ...

Mr. Figard: That's the only kind of district we have is an assessment district paid for out of assessment revolving and laid back against the benefitted property.

Mr. Fortenberry: Let me clarify terms then. Picking up the entire cost of the district in order to connect versus having property owners along it paying a portion of the cost as well.

Mr. Figard: If it were going to be, I guess there would be a couple of ways to do that. The developer through an executive order agreement and negotiations with the property owners could work out a private financial arrangement where he agreed to construct the water main and receive some money back. If they truly want to come in with a district situation where they're going to pay maybe a higher percentage through an assessment district that cost of the assessment still must be assessed against the abutting property. It would have to be a separate agreement where the developer was agreeing to pay a portion of the property owners assessments. You can't do a partial assessment. He could subsidize a district and some of those things, but the actual levy notices would go against the abutting property owner and we'd have to make sure there was some mechanism, Jeff, to make sure part of that got paid. But, if approved it levies the cost of the benefit against the abutting property and I think that's the only real district mechanism we have at all.

Mr. Fortenberry: In that context that further negotiations would take place, will you be involved in that or not necessarily?

Mr. Henrichsen: No not necessarily. The district, because again the district may come, it depends on the time frame of the developer as to when they want to come forward with the lots.

This matter was taken under advisement.

PRIMARY PUBLIC WAY CORRIDOR STUDY BY REFERENCE - Nicole Fleck-Tooze, Planning Dept.: I guess I'd just like to open up with some information for you. First you have several motions to amend that you've either received previously or received in your packets for this week and I'd just like to remind you what those are. The first is a motion to amend which essentially incorporates the recommendation made by the Planning Commission for a corridor that's 120' expanding to 130' at mile line intersections. The second motion to amend that you have in front of you is a motion to amend for additional language to the Comprehensive Plan Amendment to adopt some language which is proposed by the Planning Dept., the Public Works, and the Parks Departments to try to reach a compromise on some of the concepts that were discussed in a meeting with Kent Seacrest and Mark Hunzeker and some other folks, and that language reads, "the City and County will endeavor to work together on methods requiring right-of-ways in advance of the development and in establishing the most practical transition from a rural roadway to an urban section including engineering, grading, and initial paving". The potential for inclusion of additional roads as public way corridors and the appropriate number of lanes 2, 4 or 6 when in the City's three mile area and the County should be further considered and addressed in the adoption of the 2001 Comprehensive Plan. The third motion to amend that you have in front of you then, is some language that, I believe, was requested by one of our Council members based upon the last public hearing to identify a corridor which is 140' at the intersections and 140' between the major mile lane intersections has also been prepared for the Council. Those are the three that you have before you. I would just like to give you a little bit of an overview of where we're at. At the request of the Council at the November 6th meeting we did meet with Kent Seacrest and Mark Hunzeker and some other interested citizens on Thursday, November 9th and at that time we discussed some details that were brought forward by Kent Seacrest some things that he'd like to seek and include in the Public Way corridor concept. We discussed a number of those different details and their appropriateness to be included or not included within the Comprehensive Plan Amendment and we did also discuss the possibility of withdrawing the application altogether. And, just as a reminder I've put on the screen what has already been approved with the long range transportation plan which is essentially the mile line section roadway framework that's been identified for public way corridors showing 120' of right-of-way. So we talked about that sort of being the starting point for this discussion. We then had some sort of follow up conversations which ended after a meeting that we probably weren't entirely able to reach a conclusion at and one of the discussions, Kent Seacrest had spoken with Lynn Johnson of the Parks Dept. about the possibility of trying to work out some of these details without withdrawing the application and waiting until next year to address some of these things. And, I think that the intent of that discussion was to try to look at whether there would be the possibility for multiple additional meetings to try to work some of these details. And, the Parks Dept., the Planning Dept. and the Public Works Dept. agreed that it may not be the best thing to withdraw the application. We do have 120' in the long range transportation plan, but what we're lacking is a lot of components and elements of the public way corridor and the basis for making some of the design standards and ordinance provision changes that we've talked about. So, what we then proposed, did propose the additional language that you have in your motion to amend No. 2 and did propose some language to try to address the kind of issues that were raised in concept in the text of the Comprehensive Plan Amendment. That language which was forwarded to Mark Hunzeker and Kent Seacrest the day after we met which would have been Friday, Nov. 10th and we did ask for a response back the Tuesday prior to this meeting. And, we didn't receive a response at that time or an indication that there would be some language forthcoming although I did receive some language just before this item came up today from Kent Seacrest. So, we really haven't had a chance to review that language. I think there's probably some things in there that would work and some other things that might not be agreed to, so that's where we're at today. A couple of items I'd just like to address that have been raised in the past; one point that has been made a couple of different times by some members of the development community as a concern that 9.6 acres of developable area would be lost within the square mile and I'd just like to point out that at least by my calculations that acreage is based upon a 140' corridor and at least what's now before you that was recommended by the Planning Commission is essentially a 120' corridor with 130' at intersections. So, not only would the acreage based upon that calculation be reduced to 4.8 acres, but I think another point to be made, again we're really talking about, what we have is a baseline

today is what's outlined in the long-range transportation plan and we already have 120' of right-of-way that's been approved with that plan. So, what we're trying to move forward, I guess, are some of the innovative concepts that we have for the public way corridor and the elements that we like to see within that corridor and how it is arranged. I think that some of the details that, and I know that Kent Seacrest has a motion to amend and there's some things that he would like to see included within the text of the Comprehensive Plan Amendment. Certainly some of those things would be appropriate to discuss with the new Comprehensive Plan this next year and the new long-range Transportation Plan and I think there will be a lot of opportunities to discuss some of those details. One of the concerns about putting a lot of detail within the text of a Comp Plan Amendment is that it's intended to serve as a guide and if you have too much detail then anytime anything changes you're looking at doing a Comprehensive Plan Amendment to address those changes. With that I'd like to answer any questions and we can respond to the testimony.

Rich Dockhorn, 1310 W. Q Street: I'm a member of the Mayor's Pedestrian and Bicycle Committee and this first became, came before us in July at 140'. We thought that was really a nice distance to have. And, I understand after going through the Planning Committee process we're down to 120' and we see that as being probably acceptable minimum in order to accommodate a sidewalk on one side of the street and a trail on the other side of the street and also, then, accommodate acceptable space for a comfort zone between the traffic lane and the sidewalk and a trail. I just wanted to be on record as being in support of the 120'.

Tim Knotts, no address given: I'm representing myself and, but my interest in this issue is a result of my being a member of the local Audubon Chapter, Wachiska Audubon, and our concern is primarily in purging and the retention and increase of green space, and wildlife habitat for wildlife birds and other creatures. And, making, indirectly making Lincoln a more liveable community by providing for green space. As a citizen I'm certainly interested in, also interested in having Lincoln retain some of the small town qualities that it still retains making it attractive for people to move here, to live here, and avoiding some of the mistakes and unsightly developments that other communities who have gone pell mell ahead with resi..., suburban development. I support the 140' right-of-way concept as the best way of providing for adequate landscaping for safe walkways, utility corridors, but certainly the 120' corridor should not be reduced any further. It's, it's, you might say a minimum for providing at least a row of trees between the sidewalk and the street and as it's been mentioned it's part of a long range transportation plan. And, it just makes a better quality of life for people who live in Lincoln and attracts the kind of people and businesses that want to live in Lincoln and the people who work at those businesses. I briefly want to maybe point out the obvious, but there's some examples that anybody can see what happens when you have a too narrow a corridor. One of these that I'm pretty familiar with is Old Cheney Road from 18th to 14th Street. It's got fences on both sides. The sidewalks are right up against the street. If you walk down the sidewalk on both sides of those street you're actually in danger of getting hit by rocks of passing cars, maybe even things that drop off the back of trucks and so on. People don't use those walkways or they use them very little because they're just too close to the street. A similar situation, it looks like it's developing on Pine Lake from 40th to 56th. There are fences on both sides of the right-of-way. It's so narrow that if this street is widened to four lanes, which it will be I'm sure it will be another situation of inadequate space for any kind of a safe walkway or for adequate landscaping. In fact you have a tunnel down to, between two residential areas and it's just not a situation that's going to promote good quality of life for Lincoln. Thank you.

Foster Collins, 2100 Calvert Street: I represent the Blue Stem Group of the Sierra Club. I'd like to echo what Tim has just said about providing for livability and quality of life and also for habitat for wildlife keeping to the 140' or at least the 120' standard for the public way corridor. We support the Planning Dept., Parks and Public Works in their effort to move forward with this at this time. A couple of weeks ago when you held this forward, there was some concern raised about keeping trails off of these busy arterials and into the interior of the developments, and, I'd like to say I think that's very appropriate for recreational trails, but I think that these public way corridors need to provide space for sidewalks and trails for uses other than recreation that would be for commuting or for people getting to and from shopping areas and so on like that. It's not just on automotive traffic public way, it's a public way corridor to provide for all types of transportation

alternative or conventional. Thanks.

Kent Seacrest: Good afternoon, my name is Kent Seacrest representing Southview Inc. and Ridge Development Company on this concept. First of all I want to indicate that we are trying to be pro-planning, pro-long-term visioning, pro-aesthetics, pro-collaboration at the lowest public and private sector costs. That's our goal and we'll try to create a win, win here versus a win lose situation if possible. Here's the problem, I might need an additional time period to make the point. Here's the problem we're having; right now out there in the County you start with 66'. It's gravel road. The County discovers they need to improve so they go out and buy 100'. Now, what they generally do, they don't maximize the grade, they just keep kind of what I call the roller coaster affect and they'll put a culvert in for the new dirt road and life's pretty good until the County discovers we'll need to pave it. So, they'll then go back in a second time and do some regrading, probably keep the hills still bumpy, probably have to do the culvert again sometimes and life's pretty, but they forgot to put in a turn lane to all these acreages and other road access for the farmers. So, farmer equipment and acreage people if they want to turn left have to block the traffic. It's not safe, it loses capacity on the road network. Well, eventually what happens is the City then takes over the responsibility and the City decides to build, has annexed the road and then they decide they need to urbanize the road. So, what the first thing the City often will do is take the bumps out of the road and make it less bumpy. So we graded probably for the third time and when you do that your rise are cut and sometimes they have to redo the culvert for maybe the third time and culverts are very expensive operations to do. The City often will put in the storm sewer and they'll put in the first line of the LES lines or utilities. Then the City discovers the road has grown in capacity and now we need five lanes. So we've got to go out probably for the fourth time, acquire property, and go ahead and this time regrade because we need wider right-of-way and we probably are going to move the telephone lines, electrical lines for the second time. Meanwhile, we haven't been able to get a thing to grow because we have disrupted it, you know, four or five different times. That is the model that we do not and you do not like it and what we're trying to do is propose the new model. The new model in our minds is to have closer working relationships with the County. We do know, they do know, roads that in the future we need. Why aren't we buying early on the right-of-way? What happens is when we come in when the City is ready to go to five lanes is the City asks us for that right-of-way. We just paid \$30,000 an acre. We could, we know where the right-of-ways are needed in the future. We should be buying it when it's out there at \$5,000 an acre. We would save a fortune as a community on the cost. We could and could grade it once primarily for the corridor we need. Put the culvert in once. Don't do the Billy goat routine, do the flatter routine, then people know where their drive-ways can be and we don't disrupt their drive-ways so many different times, they know where their setbacks will be and we could start planting the trees the first time out of the shoot and not disrupt the tree pattern on the outside edge. Basically, that takes cooperation between the County, the City, and the private sector and it's the most sufficient model and the one that, I think, the new amendment that is in front of you is trying to address because we're not against wider right-of-ways. Where we go nuts is when we just paid \$30,000 an acre and then the City asks us to contribute that extra right-of-way when the City or the County could have done it so much cheaper. That's the problem here. We're not anti-aesthetics. We could afford to put double rows of trees in so long as we didn't have to buy the land and donate it to you as such a ridiculously high value which we're doing. That's where this rub is. And, so what we've been trying to do through these delays and these meetings is to discuss the new way to do business and I think when I presented these 8 points, Allen Abbott was kind enough to say Kent we agree with your point. I mean there's no disagreement here. What we're disagreeing on about is are we really going to implement the new way we could do business and or are we going to keep on repeating the mistake and asking us to give even more right-of-way at \$30,000 an acre. I have handed you an amendment that includes all the Staff amendments before me except maybe there's one I'm missing. So, what is my changes are shaded, OK, so if it's not shaded Staff has already encouraged you to adopt it. The shading is the new language and all I'm trying to say is incorporate this concept in the Comprehensive Plan of working stronger with the City and County on figuring out is it two, four, six lane because some streets should be six lane long term planning in our judgement. We think that it needs to be dialoged on the funding. How do you get the money to the County to buy the right-of-way? I think through

impact fees and other techniques we have other opportunities to do that. The other word, drainage, that's my code word. Let's not re-grade this thing three or four times. Let's figure out if we can grade it once. Landscaping means let's figure out if we can put the trees in earlier and not keep ripping them out and replanting them every time we have to improve the road quality. Setback waivers, everybody's told us that with these wider corridors that we don't need as much setbacks and we should get to talking about the setback waivers. If you have these boulevards, wide medians, we should allow u-turns or at least encourage them. And, so that's the other thing I'm proposing here. I've also added language which is if the Comprehensive Plan shows sixth, shows it as a bike corridor then it should even be an additional six feet. We think primarily the corridors, the trail corridors should be in drainage ways, but there are instances where they will be on corridors in which case you need to put the extra six feet in. Again though, figure this out early, get the County to buy it when it's cheap and not ask us to contribute those six feet later on. Turning to page two, this is probably where, I imagine Nicole will tell you we're not on the same page, but basically I think some time under the standard, if we really want aesthetics you should allow in some limited instances on what I call minor arterial roads to allow the front yards on the street. Let me just quickly show you what I mean by that. Today you're not allowed to put a front yard or a drive-way onto an arterial street. It's not allowed and yet we're trying to make the backyard look, look good under this standard that you're working on. There's an arterial street for you. Most people would say it looks awfully good and the reason it looks awfully good is people put the front of the house which has the most architectural features, the most care in their yard. That looks good. You don't want to do this on all arterial streets, but on minor ones it should be allowed. And, if we're really interested in aesthetics I would encourage you to adopt this paragraph that encourages as a Comprehensive Plan to start working on the details that we could in some limited instances allow front yards back to the arterial street. What that does for us is when you put the backyard up against the arterial we don't get to use that street. If we get to use it as a front yard we can save half a street. We don't have to build another street internally. We can use this one which will bring down the cost of housing we feel. This is my final point, I'll be real quick. The other thing I want to encourage you on is everybody wants to do this right. That's what I've been hearing, aesthetic. Blue, buffalo grass, a in our judgement is not going to be doing it right. Everybody in Lincoln, generally, uses fescue or blue grass and when you all of a sudden decide to plant your right-of-ways in buffalo grass on the sides or in the medians I think you're going to get several phone calls from constituents saying that does not look attractive. It's a maintenance issue, it's a cost issue, and if you want this aesthetics we encourage you to look at other materials besides buffalo grass and have a discussion on that issue because right now the plan is for the buffalo grass look, in our judgement and we think that's detrimental to the aesthetics that you're trying to do here and with that I'd be happy to answer any questions you might have.

Mr. Camp: Kent, I appreciate your going through your proposals and all. To summarize then with, with the number of amendments your saying you can go 140' at intersections.

Mr. Seacrest: It's a strong statement that we should not go below 120. Our group felt that you could do 130 at the intersections and do 116 between the major intersections. 4' difference and Glen Johnson and I, not that he agrees with that, but we worked on it together and the whole theory was you can still have double rows of trees. They still can be evergreens which are wider at the base and they still can fit in 116'. So four feet doesn't sound like a lot to you, but to us those feet count so that's why we'd like to see 116 in the midsection, 130 at the intersection.

Mr. Camp: And then to follow up please you had the six feet here if the trail were designated so that would then go to 122 and 136 is what you're saying if it were there?

Mr. Seacrest: Yes and that's on the assumption we get some setback waivers because at the corners it's probably commercial and we already got 50' setbacks and I think we can get you what you need and we can still not waste good, valuable land resources.

Mr. Camp: If I may just one quick one, with your background in planning, too, Kent as well as law is there a way as we grow in Lincoln that we can put more emphasis on some of these entryway corridors and these major arterials so that perhaps developers when they look at public amenities, while they have done some in the past, but perhaps do even more that would be along the arterial and nearby maybe we come up with a

formula of setback waivers and so forth, but what it does is give park land or space along an area that beautifies, provides a functional entertainment recreation area and at the same time give some latitude to the future, is that something that's reasonable or doable?

Mr. Seacrest: I've got lots of clients that area embracing the public way corridor entryway concept because it is a key first impression element and several of them are willing to do more setbacks than the law requires. I guess what I'm trying to tell you, though, as part of your scheme it would be cheaper for the County to go out and buy some right-of-way on those handful of places at 4,000, 3,000, 2,000 an acre than to try to then try to extract it from us at a later date when we just paid 30, or 50, or 60,000 or whatever we just paid for that key piece of real estate. And thru impact fees I think there's a way to cash flow that.

Mr. Cook: I just want to comment, of course, your attractive picture of houses facing an arterial is a case where the right-of-way's 150 feet so I would be more than happy to entertain that suggestion of having houses face the arterial if you're also interested in acquiring that sort of right-of-way, but it doesn't sound like your interest goes in that direction. I have a question about the having the County get out ahead and buy land, I agree with that general idea. I think it would be nice to get out ahead of the development. The question is, though, are we going to look at the possibility of the 140' standard in those circumstances where we're out ahead where the land is cheaper. Are you saying in your amendment that we're still essentially sticking to the 130, 120 as our goal would you be opposed to making a 140 our goal in those circumstances?

Mr. Seacrest: Again, if you're out ahead using public dollars the private sector would not care other than they might wonder why you're doing it. Let me just show you some other pictures. The bottom right is 40th Street at 88'. The others are Highlands and South 70th and they are 100'. OK? So, I do want to counter two things, first of all I do think if you went to 120 you could definitely make it look better than any of those pictures and still get homes on the front yard to even make it even look stronger so I don't think a 150 necessary for homes to be on the front. The second thing is again, I'm not sure from a public resource point of view if you can do aesthetic corridors at a 100'. I would think a 120 would save you some money, but again if you have all that money to do 140 as long as you're doing it on your dollar it would be a lot more cost affective in the end than doing it on the private sectors dollar because you'd be buying it so much cheaper than we are.

Mr. Cook: I think that's still something we have to have discussions about exactly what right-of-way is, the appropriate minimum, and if we go beyond that do we have to pay with public money. That's certainly a discussion that needs to be had. I don't know where that dividing line is between the reasonable minimum is.

Mr. Seacrest: I think we should challenge this community. I would think we're bright enough to do a trail network that goes way beyond over what we're planning on today. And, Jonathan if you know the trails there then I think you're right, you're going, you're going to at least go for six more feet.

Mr. Cook: Would you have any opposition to me adding a phrase at the end of the adding six additional feet to say that expanded by six additional feet on the side of the right-of-way of where the trail is to be located.

Mr. Seacrest: Sure. That's great.

Mr. Cook: OK, because I think that, I don't want to end up with a circumstance where we build the road down the center line and then three feet on one and, we still don't quite have the space for any.

Mr. Seacrest: You're absolutely right Jonathan.

Mr. Cook: And, regarding the type of planting, I share your concern about whether people will think it's attractive if we go with some natural grasses, buffalo grass, er, but there's the issue of watering, and so on, I mean we can put in drought resistant plants, but still there's an issue if we put landscaping or grasses that require any kind of water. In some seasons it gets awfully dry here and I just, I don't know what our opportunities will be to put water in those islands. Maybe that's a question for Public Works or Parks, but ...

Mr. Seacrest: This is the hard part of your job, in my judgement. If you ask the public their first criteria on these corridors is get the traffic through and we've done that. Second thing they're going to tell you, get the utilities through so cable, and gas, and electric show up at their house. I think the harder part is the aesthetics and here's the dilemma you have, you have just increased your right-of-way tremendously and if you're telling the public you don't have the money to do it right

then I'm not so sure how many of them would really want you to do it this wide. And, that's why I think putting homes back on the front yard in some instances solves some of your problem because those home owners would come in and put their blue grass or fescue right out to your right-of-way and to your road and mow it and take care of it and it would look gorgeous and you wouldn't. But if you don't this is the dilemma you're into because you know people don't think the Parks Dept. presently doesn't have enough budget to do the parks in some peoples minds. They're going to be having a lot more responsibility with this wider right-or-way and I think you got to understand that when you adopt this policy, if on Parks Dept. next year and the year after and years to come I'm going to ask you for more money and if you don't want to give them the money then you should think harder about how to make this policy be workable.

Mr. Cook: One last thing I want to go back to the homes in the front yards along the public way corridors. I'm not sure we can predict well ahead of time which corridors are going to carry heavy traffic and which ones aren't given that over time the shopping centers pop up way out of town and the road that seems to be a small traffic carrier becomes a large one, but also there's the issue of noise and how that affects peoples willingness to buy homes along arterials and I guess I know what a huge deal setbacks are and that if you have a right-of-way that's, you know, essentially if we're going with only a 120' that I don't know what kind of setbacks you're talking about for front yards, but I would think that a lot of people would find those lots to be less desirable. This is traffic in the core of the City where we have homes on these streets we often have 35 mile an hour traffic, a little less noisy, and on some of these like the picture you were showing with a 150' of right-of-way we have 33' behind the curb before we can get to the right-of-way line then we have the setback to the house. So, there you've got a lot more buffer, less traffic and a different situation that I'm afraid we'd have on these corridors at the fringe.

Mr. Seacrest: What I'm trying to suggest is allow the private sector to help participate in that decision. In Kansas City the most expensive real estate now is on Ward Parkway. Six lane boulevard, so I am convincing myself that people will, if it's aesthetic they will take the traffic. Hey, I don't know if you've ever driven Ward Parkway it's unbelievable the volume of houses and how they are the fanciest and the most desirable. Remember when you will build these homes most likely it'll be a two lane or three lane street. People have a tendency not to plan ahead and they'll do a nice house and then someday the five lane will show up and if Kansas City is an example if you do it aesthetically with real trees that grow early they'll keep buying those nice houses even though they're on busy, trafficway corridors. We just don't have that experience in this community though.

Cindy Johnson, Council Member: Kent, I don't know if this question goes to you or to Staff, but I'll throw it at you and then you can guide me. For the longest time we've had a 100' right-of-way correct? And, now we're changing for our public corridors to 120 or 40 whatever we want to say.

Mr. Seacrest: Well, I think last month when you adopted the long range transportation plan you went to 120'.

Ms. Johnson: Talk to me about that 120', what's it going to cost us? I really believe in the aesthetics. I want things to look nice, but I think we forget as people within the community that nothing is free and the aesthetics are costly and I can't get a grasp on what is it going to cost us that 20' extra that we want for aesthetics because it will either come to us as taxpayers will be paying it or it will be coming to higher cost of lots or retail or whatever is developed. What is the cost within that 20' the taxpayers are going to have to pay for the aesthetics?

Mr. Seacrest: It looks like somebody wants to answer that.

Ms. Johnson: OK good.

Ms. Fleck-Tooze: Well, I guess one important point we'd like to make is one of the things we'd like to considered when we brought this concept forward was the difference in cost that you'd have between widening later when you hadn't planned to do it versus widening, having a wider corridor established today, so, I think, from our perspective it's much cheaper to establish the corridor today then we certainly have examples where we've identified corridors that we've had to go out and purchase after they're already built and you have homes and businesses built in those areas and that's much more expensive than establishing a corridor today.

Ms. Johnson: OK. How many have we bought at 120 from the 100 we've had for the last nine years that I've been on?

Ms. Fleck-Tooze: Certainly I know we've identified some

intersections where we've purchased well beyond 100' and I don't know, Jim, if you want to provide ...

Jim Visger, Public Works Dept.: I couldn't give you an exact count but think of each of the major intersections that we've improved. We've been dealing with 100' right-of-ways on the long length of the corridor. When we come to those intersections the Comp Plan has provisioned up to 1000' in any direction on that major intersection to be improved. So, to come in and say we've done 30,000' in nine years I couldn't tell you that, but I could tell you that we've improved at a 120 width on the major intersections.

Ms. Johnson: I just thought it would be a cost per foot as to what we are looking at as far as taxpayers to pay for this.

Lynn Johnson, Parks Dept.: I don't know if I can get to a cost per foot Cindy, but I think I can kind of outline what the City would be taking on in terms of responsibilities. Right now on those arterial streets the street trees are actually on private property so we'd be shifting the street trees from private property to public property. That means that the Forestry Dept. is going to have to trim those trees on a regular basis so we're going to have some additional cost there. Right now the ordinance states that between the property line and the curb line the private property owners responsible for mowing that area. That would continue. One of the things we think we need to do is make sure we get gates in there though so they can get out of their backyard and mow that area without having to go clear around the block or without contracting. If you drive down South 40th Street, for example, you see a real kind of mish mash of how that area is maintained and some of it is because there aren't gates in those fences, we think anyway, for people to get out there. I think the major expense that the City would have is maintenance of the boulevard area and we're trying to come up with, I think as Kent said, some attractive, low maintenance ground cover. Buffalo grass was the first one that met all of those criteria, seemed, well met most of those criteria. It depends on the attractive that comes to mind. The City would obviously have some responsibilities or have the responsibility for maintenance there. There are several models out there that we're trying, we've got the South 40th Street, south of Highway 2. We've got West Highland Boulevard. We've got South 70th Street. We're trying to get simple landscapes out there that are attractive and that right now fescue we have to be, somebody has to be on those boulevards mowing seven times a year at a minimum. It's a dangerous place to be. It's a hazardous place to be. We get claims from rocks hitting windshields every summer. We're trying to get that down, hopefully, no more than two or three times a year that somebody's got to be on there. And, from a Public Works standpoint the intent, too, is to have enough width so that we're not scooping that snow up and hauling it off if we get back to back snow storms. So, hopefully, we've talked about at least that widened area we might be able to offset the cost if we can leave the snow there and let it melt, minimize the number or the amount of time that we're having to scoop that snow up and haul it away. We can use that same amount of time then doing the maintenance. So, we're hoping there's some cost balance. We haven't, we've tried, but we haven't come down to an exact dollar per square foot maintenance figure at this point.

Mr. Fortenberry: Kent, just a couple quick comments regarding cost. I'd like to also think about the opposite side of the equation, what is the cost of not doing this, not providing this benefit? The intangible there is certainly is a quality of life issue, but I think there are tangible benefits to added cost of maintaining that offset the added cost of maintaining the public way corridor such as increased property values, that would be the major one which of course translates in higher property tax revenues for us so while that very difficult to quantify I definitely think it's a direction we need to go in to begin to have those discussions bundled with the other primary purposes. The main purpose is obviously transportation, the other primary purpose is carrying utilities as well. But, while we're waxing philosophically about planning issues regarding going out into the future and this is what gets difficult for government because it would be great if we did have a crystal ball and said these are the major arterials, these are the minor arterials, get out in front of it, have a cat flow mechanism like you're suggesting to buy right-of-way when it is cheapest, most affordable. There's an issue there of getting it too far out in front of where the market may not want to go as well as spending current dollars on something that you're, some probability that may not happen, how do you, where do you find that balance? How do you, what are your thoughts in that regard?

Mr. Seacrest: Well, I'm not proposing that every roadway in the County would be a public way corridor. I think Planning's critical. You

know S-1, S-2, S-3 and 1 and 2 and, I mean those, Steven's Creek area, I mean folks, I assume we're going that direction. I'm proposing that the public way corridors beyond those areas that the plan either shows or all of us know in the short term or long term they're bound to be brought into this community fabric as part of the urban fabric and so it's not just blanket, it's strategic.

Mr. Fortenberry: I assume though short term arterial designations are already, the value is already reflected in the private market. Am I wrong?

Mr. Seacrest: I wish they were.

Mr. Visger: I just have a side bar to what you are asking in that question. If we had the opportunity to do as Kent has suggested we'd be spending about \$10,000 a mile. It would be two and half acres a mile. But, the opposite end of that is what you already know about O Street, so when you go into a built up condition that land, the value is sky high.

Ms. Johnson: That helps a lot, thanks.

Mark Hunzeker, 530 S. 13th St., Suite B: Appearing on behalf of the Home Builders Association, Lincoln and Lincoln Board of Realtors. Like you, we got Kent's amendment today just before the meeting. We had a meeting last, a week ago Thursday at which time it was agreed by all parties involved that this matter would be withdrawn and dealt with at the time of the update of the Comprehensive Plan. I received a phone call the next day indicating that that deal was no longer operative and that this was going forward with the language that's been brought to you by the Staff. Hence, Kent's effort to try to incorporate some of the things that were under discussion in our meeting a week ago Thursday which I have not had any opportunity to review until just this minute. Those are good ideas. A lot of those things we talked about were the things that we had discussed as needing further clarification and certainly some refinement, but we had all agreed, we thought, that those things would take place during the Comprehensive Plan update and subsequent to that time that deal was no longer in affect. So, I don't have much of a way of determining what our position may be on Kent's amendments other than to say that if we had some additional time to discuss them and to work out some of the details that we have been advocating now for some time it's possible we could all reach agreement and we could all come away from this with a better understanding of how this process is going to work. Having failed that I will say that Kent is right about one thing, not every county road in this county ought to be designated a public way corridor. The initial take on this from the Staff was that virtually every section line road in the county was going to be designated a country, uh a public way corridor and or course that has been revised. However, without the benefit of any correlation between a traffic study that would tell you where we're really going to need additional right-of-way and where we're not and the fact that they've just hold back and designated every section line road within the future urban area. Now that doesn't make anymore sense than designating every section line road in the County other than it's just less of them rather than a 1700 acre land grab this is maybe down to a, you know, a 1000 acres. And, it is a significant amount of land and even if it's only a 120' contrary to what Nicole said it doesn't cut it down to 4.8 acres per mile. It cuts it maybe down to something on the order of 6. something because the 130' at the intersections goes back a good 1000' or more. So, we're talking about a significant amount of land being unavailable for development that cost money. It also spreads the City out. You want to talk about planning issues and the issues related to urban sprawl we are talking about reducing the number of dwelling unit by each section by somewhere between 20 and 50 depending on the size of the corridor you ultimately decide upon. So, we have asked that these things not go forward until such time as we have some information and some regulations which talk about the circumstances in which we will be able to achieve setback waivers or placement of easements as opposed to dedication of right-of-way and there is language in the Staff's recommendation that talks about this process not being implemented until those regulations are in affect. But, I can tell you that as we speak there are subdivisions that are being applied for and these public way corridor standards are being applied to those subdivisions and while people are saying that they are not mandatory I can tell you that being on the other side of the table from that non-mandatory request for that right-of-way that when the discussion is about what things need to be done before one can get scheduled on a Planning Commission agenda the suggestion of additional right-of-way for a public way corridor does not sound much like an option. And, I can tell you it is being suggested very forcefully on subdivisions which are in the process today as we speak before you've even adopted this concept. So, I don't have a great deal of confidence that it will not be

implemented until such time as we have those regulations. So, we've asked that this thing be put off. We've also talked about cost. It is expensive. It does cost money. It costs more for grading. It will cost you more for people to be out there setting the grades. There are circumstances that I could take you to and point to right now where you have gone out and widened streets and created some horrendous grade differentials resulting in retaining walls both because of cuts in the roadway and because of fill in the road way and those subdivisions are less than five years old. So, to be out there in the County setting rights of right-of-way grades into the future far enough that you can not only tell the subdivider or the owner along one side what grades he has to make, but also have grades that your own public engineering people are going to meet when they grade that right-of-way out far enough to make a difference is going to cost money. No one has identified where that money comes from. No one has identified where the money to establish all the additional landscaping comes from and no one has identified where the money to maintain the additional landscaping comes from. Now, I live on south, south of Pine Lake Road on 40th Street and I invite you to go and take a drive down South 40th Street and look at the median in South 40th Street that's been there now for over a year and see what kind of lovely landscaping we have. It's bind weed. If we have money to go out and acquire additional right-of-way and establish lovely landscaping why aren't we doing it in the rights-of-way we now have? I think that these are real issues that need to be determined before you put these things into the Comprehensive Plan and if you don't do that all you're doing is putting another relatively meaningless piece of language into the plan that will either be implemented by the way we fear that it will that is to say not until it comes time to take it from someone who is subdividing adjoining one of these county section line roads or that you may even get it voluntarily or have it deeded to you and you will not have the money to implement this lovely concept or to maintain it. So, we'd like to work with this and I, you know, I think Kent's suggestions if implemented have some merit. We've been asking for a very long time, where in this part of the world is there such a requirement on every single arterial. The answer has been deafening silence. One item, Sheridan Boulevard is 120' wide not a 150'.

Mr. Cook: It's 150.

Mr. Hunzeker: I lived there. Check it.

Mr. Cook: I'm pretty sure of that. We can have someone check on it.

Mr. Hunzeker: I'm quite sure and I will say also another example that is constantly referred to is Capital Parkway which is 100' wide. So, it does not require excessive amounts of right-of-way to accomplish those things.

Ms. Seng: Maybe you can answer this. The motion that Kent Seacrest handed out on (inaudible) number 4, does that take into consideration everything that was in 1 and 2. Which one is yours Jonathan? Is you're the 4th one?

Mr. Cook: Mine is 5 I think. Oh, you don't have it yet.

Ms. Seng: Well, the one that you'd requested.

Mr. Cook: It's essentially in Kent's language.

Ms. Fleck-Tooze: The language that Kent submitted does incorporate the motion to amend #1 and motion to amend #2. And, I guess ...

Ms. Seng: 2. 1 & 2.

Ms. Fleck-Tooze: Yes. And, I'd like to point out that there are just, I think we've looked at it and between the three directors I think there a really just a couple different very small revisions that could be made and we could be in agreement on the language that's been proposed today. When we met on November 9th I think the points of discussion at that meeting were really based upon the language that Kent Seacrest brought to the table. Kent was the only one that had written language that he brought to the table to discuss that day and so that was really the direction of discussion and we didn't receive any other suggestions from other folks that attended that meeting. And, I think that the alternative that was discussed at that meeting was the possibility of addressing these details with the new Comprehensive Plan and the next Long Range Transportation Plan. I think we're still very much committed to do that and in the meantime I think that this lays the foundation for bringing forward some of the ordinance and design standard revisions that we've talked about including revisions to make the corridor much more flexible reductions and setbacks and lot depth and etc. So, I guess we'd urge that the Council take action today. I could make a couple specific suggestions about things that, a couple of specific revisions to Kent Seacrest's language that we would be in agreement on if it moved forward

today.

Ms. Seng: I had another question. Now, it's perfectly legal for like the County to go out and buy right-of-way ahead of time?

Ms. Fleck-Tooze: Yes.

Ms. Seng: They do not have to have a purpose for ...?

Ms. Fleck-Tooze: I believe that they have to have a specific public purpose and need, yes.

Ms. Seng.: They do? But they could do that?

Ms. Fleck-Tooze: Yes, that's my understanding and we have had those discussions.

Ms. Seng: Yes. Ok.

Ms. Fleck-Tooze: The couple of specific items that I would just like to point to the language that was provided to you by Kent Seacrest on the second page, line 4 which is the second to last paragraph. I think that we would be comfortable with that if it read along public way corridors that are not projected to carry heavy traffic volumes. It should be considered to allow homes to have their front yard along public way corridors. I think that nobody is adverse to considering that as an alternative. Certainly, heavy traffic is, that could be defined any number of different ways and so we'll certainly have to look for where there might be opportunities to that where it will be appropriate. On the last paragraph then on line 9, actually I'll just read beginning line 8 what changes we would ask you to make. Along public way corridors the median and landscape sides of the street should be planted in attractive drought resistant ground cover. I think we'd like to leave it broader than specifying fescue within the text of the Comp Plan language. And, then the second sentence to delete the reference to preferably not buffalo grass and begin the second sentence with abutting property owners should be encouraged to contribute a high quality landscape. So, it would be deletion of fescue or other on line 9 and deletion of but preferably not buffalo grass on lines 9 & 10. Lynn Johnson just pointed out, I believe there is a specific amendment that Jonathan had proposed relative to the side of the corridor on which additional width was provided for a trail and I don't know if that could be added to line 2 on page 2?

Mr. Cook: Is that the appropriate location for this language because that was a different location that you had provided in the amendment?

Ms. Fleck-Tooze: If we add it here then that'll save you having to incorporate the other amendment so that would be an appropriate location, I think and if it could be added to expanded by 6 additional feet on one side of the corridor to accommodate the proposed trail.

Mr. Cook: On the side of the corridor.

Ms. Fleck-Tooze: I'm not sure how wanted that phrased.

Mr. Cook: I'll think about it for a minute and try to shorten the amendment.

Mr. Fortenberry: When is, be more specific about a time line for the discussion of other arrange, er as this planning initiative gets translated specifically into regulations are the issues of building in more flexibilities regarding setbacks, exchange of dedicated easement for right-of-way and that type of flexibility when appropriate when will those be ...?

Ms. Fleck-Tooze: I think what we originally talked about was a time line where we'll be looking, trying to commit to about a 90 day turnaround time to bring forward those ordinance provisions. And, I think it would be appropriate to bring them forward as a package. There are a several different things that add flexibility to that corridor and so I think our commitment is to immediately make an effort to turn those around within the next two or three months. And, then I think the discussion about, you know, some of the additional language that was added relative to how the City and County worked together to implement these corridors. Some of those details are certainly anticipated to be discussed during the next, during the year 2001 with a new Comprehensive Plan. And, so that would occur within the next year. So, just for clarification then if you were wanting to adopt the language as recommended you would need a motion to amend No. 1 which incorporates the, actually I miss-spoke there. The first would be a motion to amend no. 2 which incorporates that Comp Plan amendment language as recommended initially by Planning and Public Works is that right Dana? Just one moment. I think I may have just miss-spoken again. I've got too many motions to amend here. Alright I'm going to step back and begin again because I believe that both motion no. 1 to amend and motion no. 2 to amend are incorporated within Kent Seacrests motion to amend so if you, if you adopt this motion to amend with the changes that we have proposed just now. I believe that will incorporate everything if that's what the Council wishes to do.

Mr. Cook: Are you going to come back to us with a rewritten page that just have everything on it with the changes we just talked about before the voting session or do we just want to ...

Ms. Fleck-Tooze: I guess what I'm suggesting if it's alright with the City Attorney's Office is that it could be adopted with those changes today or do you need to ...?

TOOK BREAK 3:15 P.M.

RECONVENED 3:22 P.M.

Lynn Robison, no address given: I think right now we're basically really worried about what the developers have to say. What about the taxpayers of this City of Lincoln? I mean, I agree that we need to go either with the 120 or what Mayor Wesely has proposed 140'. And, but there's like shouldering the cost, I mean what's wrong with shouldering the cost between a (inaudible) and what the City and the developer? I mean the developers have all made their millions and millions of dollars throughout time it's high time that they shoulder some of the costs for some of these costs. Thank you.

Mr. Cook: I just want to ask Nicole if regarding other locations where there are streets with wide right-of-ways I just you to, maybe some even near by.

Ms. Fleck-Tooze: Sure. Sure. We did, there are a couple of examples within Omaha of corridors which have a larger right-of-way. In Omaha along State Street and along 180th Street they do have 150' of right-of-way.

Mr. Cook: And there are locations in Omaha where they have frontage roads for business districts in the business districts like along maybe L. Anyway, it's obviously something that is, is found in other cities and I guess the issue for us is which corridors deserve wider right-of-ways and which ones deserve our minimum which, I think, is what we're discussing today which is 120 or so. Oh, and I also need to just say for the record that it's been checked that Sheridan Blvd. is in fact 150' right-of-way, so.

Mr. Fortenberry: Your vindicated.

Mr. Cook: I am vindicated. Thank you.

Mr. Shoecraft: Nicole, you know, I don't know, right now I'm personally not leaning favorable at this moment because, for one thing I don't want to drive up the cost of lots, of lot prices for potential home owners. I don't want to do anything that may increase the rate of urban sprawl. Right now in Lincoln I want to do everything I can for quality of life issues for citizens and I think public way corridor can be labeled as a quality of life issue of the way we have it laid out, not necessarily the transportation issue as we have admitted. So with that in mind how come a 116' cannot accomplish the same thing? And, I think that then, you know, to me is the win, win for the potential homeowner and for the beautification of our City and at the same time working on quality of life issues for our citizens with this public way corridor concept, 116.

Ms. Fleck-Tooze: Well, I guess certainly there are elements that could be included within the 116' corridor. As you continue to narrow the corridor you have greater and greater conflicts with as you pull landscaping into the corridor you have greater conflicts with underground utilities. So part of the advantage of having a little bit wider corridors is that there's greater flexibility of where those underground utilities lie versus where street trees or landscaping is planted. You also begin to really limit if you pull the landscape screen which we require today into the corridor which is being proposed you really begin to limit the types of plant materials that can be used between the curb and the property line. So, instead of having larger evergreen trees as part of that landscape screen you may be able to fit some smaller shrubs in there, but you need to work them around utility lines. So, I guess it continues to narrow that flexibility. It also doesn't provide you with the flexibility in space in case you need add additional turn lanes between the mile line intersections. If you'd have a need in the future to have dual lefts, for example, between the mile line intersections you'd be really limited in doing that within a 116 foot corridor. In fact I don't believe that it could be done so.

Mr. Shoecraft: I don't want the homeowner to come up to me and say you've increased my, I don't want a homeowner or anyone to say you potentially increased lot prices. I don't want the homeowner to come up to me and say, now you've eliminated me from having a backyard. You know. That's what I envision because I, you know, 40th & Highway 2 is a huge intersection, huge and I look at all four of those corners and one of the corners have a house on it and we have the insurance company here and then the medical plaza's going on another part of the corner and then, excuse

me Pine Lake, 40th & Pine Lake. And, then we have the assisted living on the other corner. I look at that intersection and it's absolutely huge. But, I look at that one house that is there and that's what I see. The house has nothing there. It's right up along the intersection. There's no ...

Ms. Fleck-Tooze: I guess that's the kind of thing that we're trying to prevent in providing enough space at those intersection is not having them widen into existing built areas in the future.

Mr. Shoecraft: I know, I understand that. Maybe I'm not explaining this right, but what I envision is that's a 100' right there at 40th & Pine Lake, correct?

Ms. Fleck-Tooze: I don't know what the intersection is, what?.

Mr. Shoecraft: Is it 120?

Ms. Fleck-Tooze: Intersection is 120.

Mr. Shoecraft: The overall is 120 but that concrete section is 100' isn't it? Or is it not? I was told by Staff that it was 100', so I don't know. But anyway, that's huge. Nonetheless, whatever it is that's huge. I just, I don't know.

Ms. Fleck-Tooze: I guess one important point is if we don't adopt the public way corridor concept we won't be decreasing the amount of concrete that we have in order to accommodate traffic at intersections and what we're trying to do is provide a safety margin between the pedestrian and the curb at intersections. It'll give us the flexibility in space to have an intersection that a pedestrian could actually walk in and we could begin to also include street trees in those areas. So, we won't be reducing the amount of pavement by not adopting the public way corridor concept. I guess we'll be trying to make the best of the situation by having those components in the corridor if we adopt it. We were looking at, I guess, an additional 10' over what's approved for the Long Range Transportation plan at intersections in order to not have a situation where you have a trail or sidewalk up against the street for example.

Mr. Camp: Nicole, refresh my memory you had that chart earlier on some of these major arterials and so forth and I know initially there were more than the over the last month or two you came back, Planning came back, and (inaudible)generally, I don't have mine in front of me I'm sorry, but were those, what, mile lines for the most part on this?

Ms. Fleck-Tooze: Yes, we've always shown the corridor as being that the mile line intersection, the mile line section roadways. Initially it was indicated to be all of the mile line section roadway network within Lincoln's three mile extra territorial jurisdiction and that's been reduced to indicate only within our future urban service limit would we be applying this concept at this time.

Mr. Camp: What my question was leading up to is perhaps in this overall planning process and one of the guests in the audience today was talking me a moment ago about his recommendation that we might look at alternate mile sections where one mile line would be kept residential and in our planning process we just say that's it, no commercial. And, then the second one would be the section line or the major arterial for more of a commercial establishment so if you basically got two mile increments thereby saving real estate and not having as much of a setback and perhaps more importantly promoting some planning alternatives so that we know down the road what's there and perhaps facilitate working with the County and it seems to make a lot of sense. So it's not original with me or anything, but I'm wondering with some of the concerns we're feeling today while it's always nice to get something behind us, is this one of those elements in our Planning process that perhaps we need to do a little more thinking and really tie together or have we done enough? I want to make sure we're not being too focused here on just setbacks in certain areas when perhaps the broader picture is looking at the commercial residential balance and trying to have a reasonable growth down the road with good guidelines and yet letting the private sector go ahead on it's own. And, as I asked, too, one of the speakers, er Kent Seacrest about encouraging Parks and so forth along some of these major rights-of-ways, or major arterials so that we get a combined sense of community. We may not need as big a setbacks yet. We have a very hospitable environment.

Ms. Fleck-Tooze: I think just to respond to your question I think that one of the things we tried to do to address that concern was to pullback that area of application to our future urban service limit and what that did is it's applying the public way corridor concept to the mile line section roadways that are in areas that we've already identified for growth and we know we're going to go there. And, I think there's every opportunity to examine the kind of concepts that you're talking about with the new comprehensive plan and a Long Range Transportation Plan next year. And, I think certainly those are new and different types of concepts and

if we were to identify certain corridors for residential versus commercial we'd need to be absolutely certain that that was what our long range vision was going to be and sort of stick with it as we plan these corridors. And, I think we could certainly address the broader area, planning area within the Comprehensive Plan that we'll be examining through the next year. The proposal that we've got before you now is really trying to look at areas that we're already starting to grow in and don't have a good model for how these public way corridors would function, what components should be within them, a good basis for trying to get some of the ordinance and design standard revisions revised so that they accommodate that flexibility and so I think that's one of the reasons why we confined it to that area so that in the future we would look, we would have the opportunity to look at different concepts with the new Comprehensive Plan.

This matter was taken under advisement.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF STEVENS CREEK RIDGE ADDITION, INCLUDING WAIVERS FOR SIDEWALKS, STREET LIGHTS, LANDSCAPE SCREENS, STREET TREES, AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT NORTH 134TH AND HOLDREGE STREETS. (IN CONNECTION W/00R-311);

SPECIAL PERMIT 1870 - APPLICATION OF GERRY AND DIANNE KRIESER TO DEVELOP STEVENS CREEK RIDGE COMMUNITY UNIT PLAN CONSISTING OF FIVE SINGLE FAMILY DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT NORTH 134TH AND HOLDREGE STREETS. (IN CONNECTION W/00R-310) - Brian Carstens, 2935 Pine Lake Rd., Suite H: I'm appearing on behalf of Gary and Diane Krieser. Before you is another AG C.U.P. We're proposing five 3 acre lots on paving. We'll be providing the lots with Cass County rural water. Septic will be individual septic systems. We are providing the private roadway on a 60' outlots so it could be annexed in the future if future urbanization would occur out here in Stevens Creek. And, we're requesting the typical waivers of sidewalks, street trees, street lighting and landscape screen. And, also a waiver on block length. I'm here to answer any questions that you have.

This matter was taken under advisement.

MISCELLANEOUS HEARING

Scott Hoffman, no address given: A property owner in Lincoln. Statistics from the Task Force shows that duplexes have the least amount of complaints against them and doesn't understand why its being proposed to license duplexes. He also questioned why duplexes and single family homes were not considered to be licensed in the first place when licensing procedures began. Out of 2600 duplexes in the City of Lincoln there's been 115 complaints of which 21 of those might have been invalid. Money had to be borrowed from the General fund to house the Housing Inspections so he asked if it was a revenue issue or an inferior housing issue? Is it a building code or is a health code? Is it something that the tenants did to create the problem or is it something that the landlords aren't doing? Is it something that can be taken care of through the Tenant Landlord Act on specific guidelines?

Annette McRoy: Stated the Task Force mission was to explore the need to license duplexes. The questions were asked, what are the conditions of duplexes in Lincoln, what can be done, what is the current process and then what do they want to do next. There is a problem of quality of life and numerous complaints about duplexes. It is not a foregone conclusion that duplexes will be licensed.

This matter was taken under advisement.

ORDINANCES - 3RD READING

VACATING A PORTION OF SOUTH 16TH STREET IN NEAR VAVRINA BOULEVARD LOCATED IN VAVRINA MEADOWS - PRIOR to reading:

MCROY Moved to suspend the rules to have 2nd & 3rd Reading on Bill 00-207 this date.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK Read an ordinance, introduced by Annette McRoy, vacating a portion of South 16th Street in Vavrina Meadows, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

FORTENBERRY Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, being numbered **#17766**, is recorded in Ordinance Book 24, Page

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 45 ACRES OF PROPERTY GENERALLY LOCATED AT S. 14TH ST. & MOCKINGBIRD LANE NORTH. (IN CONNECTION W/00R-308, 00R-309, 00-209)- PRIOR to reading:

COOK Moved to delay action on Bill 99-93 for one week to 11/27/00.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK Read an ordinance amending Section 5 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17488, passed April 12, 1999, prescribing and defining the corporate limits of the City of Lincoln, Nebraska and repealing said Section 5 of Ordinance no. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17488, passed April 12, 1999, as hitherto existing, the third time.

PRELIMINARY PLAT & SPECIAL PERMITS

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF WILDERNESS PARK ESTATES INCLUDING WAIVERS FOR CURB & GUTTERS, SIDEWALKS, STORMWATER DETENTION, AND STREET TREES, ON PROPERTY GENERALLY LOCATED WEST OF SOUTH 14TH STREET AND MOCKINGBIRD LANE. (IN CONNECTION W/99-93, 00R-309, 00-209) - PRIOR to reading:

COOK Moved to delay action on Bill 00R-308 for one week to 11/27/00.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF STEVENS CREEK RIDGE ADDITION, INCLUDING WAIVERS FOR SIDEWALKS, STREET LIGHTS, LANDSCAPE SCREENS, STREET TREES, AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT NORTH 134TH AND HOLDREGE STREETS. (IN CONNECTION W/00R-311) - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80542 WHEREAS, **Gerry and Dianne Krieser** have submitted the preliminary plat of **STEVENS CREEK RIDGE ADDITION** for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated November 2, 2000, which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of **STEVENS CREEK RIDGE ADDITION**, generally located at North 134th Street and Holdrege Street as submitted by **Gerry and Dianne Krieser** is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirements of Section 26.27.020, 26.27.070, 26.27.080, and 26.27.090 of the Lincoln Municipal Code, relating to the installation of sidewalks, ornamental street lights, landscape screens, and street trees, respectively, are waived pursuant to Section 26.31.010 based upon the rural nature of the proposed development and its location outside the corporate limits.

2. The requirement of Section 26.23.130 of the Lincoln Municipal Code that block lengths shall not exceed 1,320 feet between cross streets is waived along the north and west side of the subdivision.

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1832 - APPLICATION OF GEORGE AND KATHY MECHLING TO DEVELOP WILDERNESS PARK ESTATES COMMUNITY UNIT PLAN CONSISTING OF 19 DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT SOUTH 14TH STREET AND MOCKINGBIRD LANE. (IN CONNECTION W/99-93, 00R-308, 00-209) - PRIOR to reading:

COOK Moved to delay action on Bill 00R-309 for one week to 11/27/00.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1870 - APPLICATION OF GERRY AND DIANNE KRIESER TO DEVELOP STEVENS

CREEK RIDGE COMMUNITY UNIT PLAN CONSISTING OF FIVE SINGLE FAMILY DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT NORTH 134TH AND HOLDREGE STREETS. (IN CONNECTION W/00R-310) - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80543 WHEREAS, Gerry and Dianne Krieser have submitted an application designated as Special Permit No. 1870 for authority to develop Stevens Creek Ridge Community Unit Plan consisting of five single family dwelling units on property generally located at North 134th and Holdrege Streets, and legally described to wit:

Lot 20 I.T., and the Northeast Quarter of the Southeast Quarter of Section 17, Township 10 North, Range 8 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of **Gerry and Dianne Krieser**, hereinafter referred to as "Permittee", to develop **STEVENS CREEK RIDGE COMMUNITY UNIT PLAN**, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a total of five single family lots.
2. Before receiving building permits:
 - a. The Permittee must submit a permanent reproducible final site plan as approved with three copies.
 - b. The final plat must be approved by the County Board.
3. Before occupying this development, all development and construction must conform to the approved plans.
4. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee, their successors and assigns.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PETITIONS & COMMUNICATION

INFORMAL PETITION TO CREATE A PAVING UNIT FOR NORTH 73RD STREET BETWEEN CUMING & THURSTON SUBMITTED BY SHERYL TESLOW - DEPUTY CLERK presented said petition which was referred to the Public Works Dept.

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:

- Change of Zone 3213 - App. of St. Elizabeth Community Health Center from R-3 to B-2 & O-3 a portion of Lots 7 & 8, Ridge Place 3rd Addition at 77th & Pioneers. (*should be Nebraska Nurseries Inc.*)
- Change of Zone 3291 - App. of St. Elizabeth Regional Medical Center from B-2 to O-3 at S. 27th Street & Southridge Rd.
- Change of Zone 3293 - App. of Krein Real Estate, Inc. from R-1/R-2 to R-T at S. 56th ST. & Waltz Rd.
- Special Permit No. 1830A - App. of Richard Speidell for a waiver to reduce the private roadway width to 3 residences from 20' to 16' at 4811 Mandarin Circle.

Special Permit No. 1886 - App. of Anthony J. & Janice A. Ross to operate a club as defined in Sec. 27.03.160 of the Lincoln Municipal Code at 6401 Pine Lake Rd.

Special Permit No. 1887 - App. of West Point, LLC to develop a Planned Service Commercial Development at N.W. 40th & West O Street.

Combined Use Permit/Special Permit No. 17 - App. of Stockwell Properties, L.L.C. to construct a mixed-use commercial center at 13th & Stockwell Street.

APP. OF NEBRASKA FERTILIZER & AG-CHEMICAL INSTITUTE TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN - DEPUTY CLERK requested to set hearing date for 12/04/00 at 1:30 p.m.

SENG So moved.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON NOV. 6, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80553 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the

City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 11/10/00)

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

LINCOLN ELECTRIC SYSTEM'S QUARTERLY FINANCIAL REPORT FOR THE PERIOD JAN. 1, 2000 THROUGH SEPT. 30, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF OCTOBER, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX DUE FOR THE MONTH OF AUG., 2000: NETWORK INT'L; SEPT. 2000: Affinity Corp.; OCT. 2000: NEXTEL WEST, BIG PLANET, ONE CALL, OPERATOR COMM. - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

SETTING THE INTEREST RATE ON SPECIAL ASSESSMENT GROUP II; REPORT ON BOARD OF EQUALIZATION TO CITY COUNCIL ON SPECIAL ASSESSMENTS - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80544 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The special taxes assessed November 6, 2000, to pay the costs of the improvements in Alley Paving District No. 357, Repaving District 150, Water District 1180, and Sidewalk District No. 93 are hereby levied and shall bear interest at 7.36% per annum and that the period of time in which the assessments are to be paid shall be as follows:

20 years - Alley Paving District No. 357

20 years - Repaving District No. 150

20 years - Water District No. 1180

20 years - Sidewalk District No. 5

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

OTHER RESOLUTIONS

APP. OF LINCOLN P STREET CATERING CO., INC. DBA EMBASSY SUITES FOR AN ADDITION

TO PREMISE AT 1040 P STREET - PRIOR to reading:

JOHNSON Moved to delay Public Hearing & Action for one week to 11/27/00.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MANAGER APPLICATION OF YVONNE C. JONES FOR WHITEHEAD OIL COMPANY DBA "U-STOP CONVENIENCE SHOP" AT 3244 CORNHUSKER HIGHWAY - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80539 WHEREAS, Whitehead Old Company dba "U-Stop Convenience Shop" located at 3244 Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "K" liquor license, and now requests that Yvonne C. Jones be named manager;

WHEREAS, Yvonne C. Jones appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Yvonne C. Jones be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

AMENDING THE 1994 LINCOLN-LANCASTER COUNTY COMP. PLAN TO ADOPT THE BOULEVARD CONCEPT FOR PUBLIC WAY CORRIDORS & TO INCORPORATE THE LINCOLN FRINGE AREA PRIMARY PUBLIC WAY CORRIDOR STUDY BY REFERENCE) - PRIOR to reading:

FORTENBERRY Moved to accept Amendment #6 in the following manner:

On page 1, line 7, after the word "amendment" add the following: except that the Planning Commission recommended a 120 foot wide Boulevard expanding to 130 feet at mile line intersections rather than a 140 foot wide Boulevard.

1. On page 1, line 19, after the word "Study" insert the following: attached hereto marked as Attachment "C".
2. On page 2, line 1, after the work "reference" insert the words: as a guide but not.
4. On page 2, line 24, delete the word "that" between the words "Boulevard" and "incorporates".
5. On page 3, delete lines 7 through 10 in their entirety and insert the following:

Certain ordinance and design standard revisions were recommended by the Lincoln Fringe Area Primary Public Way Corridor Study with respect to the implementation of a 140 foot wide Boulevard. The rationale behind those recommendations should be evaluated for the 130/120 foot corridor. Where applicable, these types of revisions should be adopted prior to implementing this concept when Primary Public Way Corridors are wider than the right-of-way shown on figure 31, Improvements for Future Road Network.

The City and County will endeavor to work together on methods for acquiring right-of-way in advance of development and on establishing the most practical transition from a rural gravel roadway to an urban two, four or six lane section, including funding, engineering, grading, drainage, landscaping, setback waivers, permitted u-turns, and initial three lane paving. The potential for inclusion of additional roads as Public Way Corridors, and the appropriate number of lanes (two, four, or six), within the City's 3-mile area and the County should be further considered and addressed in the adoption of the 2001 Comprehensive Plan.

There are some instance where trails along arterial streets are necessary to provide alternative transportation routes, trail connection links and to allow safe trail crossings at arterial street intersections with controlled traffic lights. When a trail is designated along an arterial roadway in the Lincoln Area Current and Future Trails Network" then the Public Way Corridor should be expanded by six additional feet on the side of the right-of-way the trail is to be located to accommodate the proposed trail.

Along Public Way corridors that are not projected to carry heavy traffic volumes, it should be considered to allow home to have their front yard along Public Way Corridors, so long as alleys or shared driveway approaches are utilized.

Along Public Way Corridors the median and landscaped sides of the street should be planted with attractive drought resistant ground cover. Abutting property owners should be encouraged to contribute a higher quality landscape material in the median and landscaped sides of the Public Way Corridor.

6. Substitute the attached Figure 32b, Boulevard Concept, as Attachment "B" to Bill No. 00R-301.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK Read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80540 WHEREAS, the Directors of Planning, Public Works & Utilities, and the Parks & Recreation Departments have made application to amend Chapter IV (Transportation) of the 1994 Lincoln City-Lancaster County Comprehensive Plan to adopt the Boulevard Concept for Public Way Corridors and to incorporate the Lincoln Fringe Area Primary Public Way Corridor Study by reference; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval of said proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the 1994 Lincoln City-Lancaster County Comprehensive Plan be amended as follows:

1. Amend Chapter IV, Transportation, Section C., Future Traffic Volumes and Future Urban Street and Road Network, of the 1994 Lincoln City-Lancaster County Comprehensive Plan on page 106(b) to add the following text:

Lincoln Fringe Area Primary Public Way Corridors

"Public Way Corridors" is an emerging concept reflecting our community's desire to enhance the long term livability of our neighborhoods while accommodating the demand for better vehicular and pedestrian mobility along major transportation routes.

The Lincoln Fringe Area Primary Public Way Corridors Study explored strategies for implementing the Public Way Corridor concept for areas within Lincoln's 3-mile jurisdiction, and is hereby incorporated by reference as an approved component of the Comprehensive Plan. The development of a vision for future Public Way Corridors is the culmination of an eight-month effort undertaken as part of the Comprehensive Plan and Long Range Transportation Plan (LRTP) Update processes. Some of the central issues explored during the Public Way Corridor study included:

- ' the creation of a positive physical image for the community;
- ' safe and comfortable travel by pedestrians and cyclists;
- ' placement of public and private utilities;
- ' attractive urban design and landscaping, including street trees; and
- ' alternatives for the addition of future traffic lanes;
- ' efficient roadway and landscape maintenance.

Figure 32a illustrates the area of application for primary Public Way Corridors. Fringe Area Public Way Corridors are predominantly defined by the mile section line roadway framework as it extends beyond the current City limit and is generally associated with Lincoln's Future Urban Area Boundary. Public Way Corridors are related to both the City's present network of arterials and the County road network. The application of Fringe Area Primary Public Way Corridors is anticipated to expand through later amendments proposed and evaluated in the future as Lincoln's Future Urban Area Boundary grows.

Boulevard Concept

The "Boulevard" concept is a vision for Public Way Corridors that creates a sense of place and a positive physical image for the community while addressing the transportation infrastructure needs in planned growth areas.

The Boulevard is illustrated on Figure 32b. It is a 120-foot multiple use corridor which expands to 130 feet at mile line intersections. The Boulevard that incorporates vehicular circulation, pedestrian circulation, utilities, lighting, and landscaping, in a way that facilitates neighborhood cohesiveness, with consideration given to maintenance and evolution of the corridor over time so as to have minimum negative impact on neighborhoods and businesses. Elements accommodated by this concept

include:

- ' street trees and landscape screen with low maintenance plant materials
- ' a trail and sidewalk for bicycle and pedestrian circulation;
- ' up to four through lanes for vehicular traffic;
- ' up to three turn lanes at major intersections (dual lefts and one right turn lane);
- ' appropriate arrangement and spacing of underground utilities

A Public Way Corridor need not be entirely in the public right-of-way. The Boulevard should utilize a variety of tools to implement the Public Way Corridor concept, providing alternatives to right-of-way acquisition such as easements and outlots. Flexibility in lot depth and setbacks adjacent to the corridor are planned to minimize the economic impact of the Boulevard.

Figure 32a reflects the grid roadway network that currently exists in the City and County; however, this illustration is not intended to preclude variation in the grid network to take advantage of opportunities or respond to constraints that arise in the future. The application of the Boulevard Concept is anticipated to be flexible to accommodate a wide variety of physical circumstances, including natural features, topographical differences and variations in the size of the developing area adjacent to the corridor.

Ordinance and design standard revisions recommended by the Lincoln Fringe Area Primary Public Way Corridor Study are intended to be adopted to implement the Boulevard Concept. In particular, revisions recommended relative to lot depth and setback requirements should be adopted prior to implementing the concept.

2. Add Figure 32a, Lincoln Fringe Area Primary Public Way Corridors, as shown on Attachment "A" which is attached hereto and made a part hereof by reference.

3. Add Figure 32b, Boulevard Concept, as shown on Attachment "B" which is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform to such specific amendments.

Introduced by Jeff Fortenberry

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: Johnson.

APPOINTING LOIS COCKERHAM TO THE FOOD ADVISORY COMMITTEE FOR A FOUR-YEAR TERM EXPIRING MAY 1, 2004 - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80541 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Lois Cockerham to the Food Advisory Committee for a 4-year term expiring May 1, 2004 is hereby approved.

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF DEC. 4, 2000 AT 1:30 P.M. FOR THE MAN. APP. OF THOMAS O. ROST FOR COLUMBUS LINCOLN HOTEL PROPERTIES, L.L.C. DBA HOLIDAY INN LINCOLN DOWNTOWN LOCATED AT 141 N. 9TH ST. - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80545 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Dec. 4, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following Man. App. of Thomas O. Rost for Columbus Lincoln Hotel Properties, LLC dba "Holiday Inn Lincoln Downtown" at 141 N. 9th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF DEC. 4, 2000 AT 1:30 P.M. FOR J.J. KAT, INC. DBA BREWSKY'S FOOD & SPIRITS FOR AN ADDITION TO THEIR LICENSE PREMISE OF AN AREA APPROX. 20' X 30' TO THE N.W. AT 2840 S. 70TH ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80546 BE IT RESOLVED by the City Council of Lincoln, that a hearing date is hereby fixed for Mon., Dec. 4, 2000, at 1:30 p.m. or as soon thereafter

as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of J.J. Kat, Inc. dba "Brewsky's Food & Spirits" for an addition to their license premise of an area approximately 20' x 30' to the Northwest at 2840 S. 70th St.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF DEC. 4, 2000 AT 1:30 P.M. FOR WILDERNESS RIDGE LLC, DBA WILDERNESS RIDGE GOLF COURSE FOR A CLASS "C" LIQUOR LICENSE AT 1800 BOX CANYON CIRCLE - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80547 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Dec. 4, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of Wilderness Ridge LLC dba "Wilderness Ridge Golf Course" for a Class "C" Liquor License at 1800 Box Canyon Circle.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF DEC. 4, 2000 AT 1:30 P.M. FOR THE MAN. APP. OF JAMES BERT WHITE FOR WILDERNESS RIDGE LLC DBA WILDERNESS RIDGE GOLF COURSE AT 1800 BOX CANYON CIRCLE - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80548 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Dec. 4, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following Man. App. of James Bert White for Wilderness Ridge, LLC dba "Wilderness Ridge Golf Course at 1800 Box Canyon Circle.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF DEC. 11, 2000 AT 1:30 P.M. FOR SMG FOOD & BEVERAGE LLC DBA SMG PERSHING MUNICIPAL AUDITORIUM FOR A CLASS "C" LIQUOR LICENSE WITH CATERING AT 226 CENTENNIAL MALL SOUTH - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80549 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Dec. 11, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of SMG Food & Beverage LLC dba "SMG Pershing Municipal Auditorium" for a Class "C" Liquor License with catering at 226 Centennial Mall South.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF DEC. 11, 2000 AT 1:30 P.M. FOR THE MAN. APP. OF DOUGLAS J. KUHNEL FOR SMG FOOD & BEVERAGE LLC DBA SMG PERSHING MUNICIPAL AUDITORIUM AT 226 CENTENNIAL MALL SOUTH - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80550 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Dec. 11, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street., Lincoln, NE, for the purpose of considering the following Man. App. of Douglas J. Kuhnelt for SMG Food & Beverage LLC dba "SMG Pershing Municipal Auditorium at 226 Centennial Mall South.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF 12/11/00 AT 1:30 P.M. FOR APP. OF LIGHTHOUSE PROPERTIES LLP DBA "BEACON HILL" AT 5353 N. 27TH ST. - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80551 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Dec. 11, 2000, at 1:30 p.m. of as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of Lighthouse Properties LLC dba "Beacon Hill" for a Class "I" Liquor License at 5353 N. 27th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF 12/11/00 AT 1:30 P.M. FOR THE MAN. APP. OF CAROLE LOUISE REGAN FOR LIGHTHOUSE PROPERTIES LLP DBA "BEACON HILL" AT 5353 N. 27TH ST. - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80552 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Dec. 11, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following Man. App. of Carole Louise Regan for Lighthouse Properties LLC dba "Beacon Hill" at 5353 N. 27th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Coleen Seng

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL OPERATING & CAPITAL IMPROVEMENTS BUDGET FOR CALENDAR YEAR 2001 - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80554 WHEREAS, under the provisions of Section 4.24.090 of the Lincoln Municipal Code, a proposed annual budget for the operation of the Lincoln Electric System (LES) for 2001 was approved by the LES Administrative Board on October 20, 2000; and

WHEREAS, pursuant to the above-cited code section, a public hearing on the proposed budget was held on November 6, 2000, notice thereof having been published in one issue of the Lincoln Journal Star, newspaper published and of general circulation in the City more than five (5) days before such hearing;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That pursuant to the provisions of Section 4.24.090 of the Lincoln Municipal Code, the Lincoln Electric System Annual Budget for the fiscal year beginning January 1, 2001, a copy of which is attached hereto and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and all funds listed therein are hereby appropriated for the several purposes therein stated.

2. That all money received and any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

3. That all monies received and set apart for the operation and maintenance of the Lincoln Electric System and all monies received from any source that are required to be applied to the costs of said operation and maintenance, shall be deposited in the appropriate operation and maintenance account, and paid out upon the order of those persons designated by the LES Administrative Board.

4. That by adoption of the Capital Improvements Budget, the City Council hereby authorizes the acquisition of all necessary right-of-way, easements, or other interests in land, by purchase if possible, by condemnation if necessary, for those projects included within the Capital Improvements Budget.

5. That, to the extent capital improvements for transmission and distribution facilities of LES are made from LES revenue and other funds in excess of the minimum yearly capital improvements required by Section

4.7 of Ordinance No. 11902, it is intended that the amount of such expenditures, which is not reasonably expected to exceed \$50,000,000 shall be reimbursable to the LES revenue and other funds through the issuance of future electric system revenue bonds there being no funds of LES or the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to such expenditures, other than pursuant to the issuance of such electric system revenue bonds, this Resolution being determined to be consistent with the budgetary and financial circumstances of LES and the City as they exist or are reasonably foreseeable on the date hereof.

6. There is hereby appropriated all money received from any source as grants or donations received for public purposes.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ORDINANCES - 1ST & 2ND READING

CREATING WATER DISTRICT NO. 1181 IN GLADSTONE STREET FROM 35TH TO 36TH STREETS AND IN 36TH STREET FROM GLADSTONE TO HARTLEY STREETS - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, creating Water District No. 1181, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING PAVING DISTRICT NO. 2619 IN GLADSTONE STREET FROM 35TH TO 36TH STREETS AND IN 36TH STREET FROM GLADSTONE TO HARTLEY STREETS - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, creating Paving District No. 2619, defining the limits thereof, establishing the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING PAVING DISTRICT NO. 2620 IN N.W. 10TH STREET FROM WEST DAWES TO WEST BELMONT STREETS - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, creating Paving District No. 2620, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING ALLEY PAVING DISTRICT NO. 359 IN THE EAST/WEST ALLEY BETWEEN 47TH AND 48TH STREETS FROM LOWELL AVENUE TO PRESCOTT AVENUE - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, creating Alley Paving No. 359, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

APPROVING AN AGREEMENT BETWEEN THE CITY AND WESTERN WIRELESS FOR THE CONSTRUCTION AND OPERATION OF A PCS ANTENNA FOR A COMMUNICATIONS FACILITY ON THE 911 TOWER ON PROPERTY GENERALLY LOCATED AT 14TH AND MILITARY ROAD - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, the City of Lincoln, desires to lease space on its 911 tower, generally located at 14th and Military Road, to WWC License LLC, a Delaware limited liability company (hereinafter "WWC") for telecommunication uses on the tower and associated ground space, the first time.

VACATING WEST NANCE STREET FROM N.W. 10TH STREET WEST TO THE CORNHUSKER HIGHWAY/I-80 RIGHT-OF-WAY - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, vacating West Nance Street from N.W. 10th Street, west to the Cornhusker Highway/I-80 right-of-way, and retaining title thereto in the

City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 135.7 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND W. ADAMS STREET. (IN CONNECTION W/00-213, 00R-317, 00R-318, 00R-319) - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, amending Section 2 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17566 passed November 1, 1999, prescribing and defining the corporate limits of the City of Lincoln and repealing said Section 2 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17566 passed November 1, 1999, as hitherto existing, the first time.

CHANGE OF ZONE 3248 - APPLICATION OF M&S CONSTRUCTION AND THE LINCOLN CHAMBER OF COMMERCE FOR A CHANGE OF ZONE FROM I-2 INDUSTRIAL TO H-4 GENERAL COMMERCIAL, B-2 PLANNED NEIGHBORHOOD, AND R-3 RESIDENTIAL, ON PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND W. ADAMS STREET. (IN CONNECTION W/00-212, 00R-317, 00R-318, 00R-319) - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 37 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF HIGHWAY 2 BETWEEN SOUTH 70TH STREET AND PINE LAKE ROAD. (IN CONNECTION W/00-215, 00R-320) - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, amending Section 10 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17577, passed November 15, 1999, prescribing and defining the corporate limits of the City of Lincoln, Nebraska; and repealing Section 10 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17577, passed November 15, 1999, as hitherto existing, the first time.

CHANGE OF ZONE 3282 - APPLICATION OF LIVINGSTON INVESTMENT, INC. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS ON PROPERTY GENERALLY LOCATED SOUTHEAST OF 70TH AND HIGHWAY 2. (IN CONNECTION W/00-214, 00R-320) - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 3204 - APPLICATION OF PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE TO R-3 RESIDENTIAL AND FROM R-3 RESIDENTIAL TO P PUBLIC USE ON PROPERTY GENERALLY LOCATED AT NORTH 84TH AND HOLDREGE STREETS - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 3287 - APPLICATION OF LINCOLN LAND & MORTGAGE COMPANY FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO R-1 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 73RD STREET AND THOMASBROOK LANE - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

VACATING A PORTION OF SOUTH 16TH STREET IN NEAR VAVRINA BOULEVARD LOCATED IN VAVRINA MEADOWS - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, vacating a portion of South 16th Street in Vavrina Meadows, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time. **(SEE COUNCIL ACTION UNDER "ORDINANCE - 3RD READING".)**

VACATING A PORTION OF PINE LAKE ROAD FROM THE WEST LINE OF LAZY ACRES SUBDIVISION WEST TO THE RAILROAD RIGHT-OF-WAY, GENERALLY LOCATED WEST OF SOUTH 14TH STREET AND PINE LAKE ROAD - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, vacating Pine Lake Road from the west line of Lazy Acres Subdivision west to the railroad right-of-way, and retaining title thereto

in the City of Lincoln, Lancaster County, Nebraska, the second time.

PENDING LIST -

CAMP Moved to extend the Pending List for 1 week.
 Seconded by Seng & carried by the following vote: AYES: Camp, Cook,
Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

UPCOMING RESOLUTIONS

CAMP So moved.
 Seconded by Seng & carried by the following vote: AYES: Camp, Cook,
Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CAMP Moved to approve the resolutions to have Public Hearing on Nov. 27,
2000.
 Seconded by Seng & carried by the following vote: AYES: Camp, Cook,
Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADJOURNMENT

4:12 P.M.

CAMP Moved to adjourn the City Council Meeting of Nov. 20, 2000.
 Seconded by Seng & carried by the following vote: AYES: Camp, Cook,
Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

Joan E. Ross, Deputy City Clerk

Judy Roscoe, Office Assistant III